

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:23-CV-00768-RJC-SCR**

SAVANNAH POWLEY, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
AMERICAN TIRE DISTRIBUTORS, )  
INC.,                )  
                        )  
Defendant.           )

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**ORDER**

**THIS MATTER** is before the Court on Defendant's "Motion for Judgment on the Pleadings" (Doc. No. 8) filed January 31, 2024, and Plaintiff's "[Unopposed] Motion for Leave to File Amended Complaint" (Doc. No. 9) filed on February 14, 2024.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Plaintiff has never amended previously nor sought leave to amend. Plaintiff also informed the Court that Defendant does not object to Plaintiff's amendment. For those reasons as well as

the other reasons stated therein, Plaintiff's "[Unopposed] Motion for Leave to File Amended Complaint" (Doc. No. 9) is granted.

The Court makes no determination as to the merits of any of Plaintiff's claims and all objections and defenses raised by Defendant in its initial Motion are preserved.

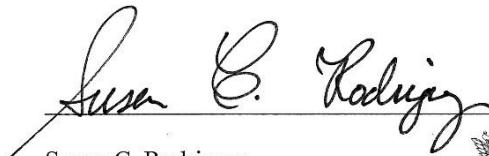
It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at \*1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

**IT IS THEREFORE ORDERED that:**

1. Plaintiff's "[Unopposed] Motion for Leave to File Amended Complaint" (Doc. No. 9) is **GRANTED**. Plaintiff shall file her Amended Complaint within seven (7) days of this Order.
2. Defendant's "Motion for Judgment on the Pleadings" (Doc. No. 8) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: February 20, 2024



Susan C. Rodriguez  
United States Magistrate Judge

